

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

SMARTMATIC USA CORP.,  
SMARTMATIC INTERNATIONAL  
HOLDING B.V., and SGO  
CORPORATION LIMITED,

Plaintiffs,

v.

MICHAEL J. LINDELL and MY  
PILLOW, INC.,

Defendants.

Case No. 22-cv-0098-JMB-JFD

**MEMORANDUM OF LAW IN SUPPORT OF SMARTMATIC’S UNOPPOSED  
MOTION TO REDACT AUGUST 20, 2024 HEARING TRANSCRIPT**

Plaintiffs Smartmatic USA Corp., Smartmatic International Holding B.V., and SGO Corporation Limited (collectively, “Smartmatic”) respectfully move the Court to seal the transcript of the Court’s August 20, 2024 motions hearing [ECF No. 353] (the “Hearing”) and to file publicly a copy containing the redactions indicated by yellow highlighting in Sealed Exhibit 1 to the Declaration of James R. Bedell filed with Smartmatic’s motion. Defendants do not oppose the relief requested.

Courts have recognized “a common-law right of access to judicial records,” but “the right to inspect and copy judicial records is not absolute.” *IDT Corp. v. eBay*, 709 F.3d 1220, 1222 (8th Cir. 2013). “[S]alutary interests served by maintaining confidentiality of the information sought to be sealed” are often held to outweigh the interests served by the common-law right of access. *Id.* at 1223. Included in those salutary interests is the

preservation of confidentiality of competitively sensitive information. *Id.* at 1224. How a company “values certain aspects of its business operations” is considered sensitive and competitive business information that suggests sealing or redacting is appropriate, especially when it is “not plainly relevant to the [] issue the District Court has been asked to resolve.” *Blu Dot Design & Mfg., Inc. v. Stitch Indus., Inc.*, No. 17-cv-3208-PJS-KMM, 2018 WL 1370533, at \*2 (D. Minn. Mar. 16, 2018).

During the Hearing, counsel for Smartmatic read portions of a document which Defendants marked with the “Confidential” designation. Smartmatic did not file the document because of its designation. Smartmatic takes no position as to the validity of Defendants’ designation, but Smartmatic submits this motion because it was in fact designated as such under the Protective Order in this matter.

Smartmatic’s proposed redactions are narrowly tailored to capture only the verbatim text from Defendants’ confidential document, and the proposed redactions leave alone any discussion not specifically pertaining to the document’s contents. Importantly, the proposed redactions do not attempt to conceal discussion on the merits of whether Smartmatic is entitled to the information sought in its motion to compel. *Cf. ARP Wave, LLC v. Salpeter*, No. 18-cv-2046 (PJS/ECW), 2021 WL 406466, at \*2 (D. Minn. Feb. 5, 2021) (rejecting proposed redactions that conceal the judge’s “thoughts and inquiries related to the merits of the claims”). As such, the proposed redactions appropriately balance Defendants’ interest in the preservation of their confidential information with any generalized public interest in access to the proceedings on Smartmatic’s motion to compel.

**WHEREFORE**, Smartmatic respectfully requests that the Court grant this motion, order that the unredacted transcript of the August 20, 2024 hearing be sealed, and permit public filing of a copy of the transcript containing the redactions indicated by yellow highlighting in Exhibit 1 to the Bedell Declaration.

Dated: September 11, 2024

Respectfully submitted,

/s/ James R. Bedell\_\_\_\_\_

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